

# Programmatic Permit Guidance

## Fishway Maintenance General HPA GH-F3588-02

This guidance will help you interpret and understand the roles and responsibilities for complying with programmatic permits and exemptions for **fishway maintenance**. You must read the permit prior to conducting work. Only familiarity with the permit will ensure your activities maintain compliance. The permit and other referenced documents are available for download at WSDOT's programmatic permit website <http://www.wsdot.wa.gov/environment/Programmatics/default.htm>.

### Programmatic permits and exemptions

- General Hydraulic Project Approval GH-F3588-02
- See Army Corps Jurisdiction (below)

### Work covered:

The GHPA allows the maintenance of existing fishways including repair and replacement to return the structure to its originally installed design. Also allowed is the removal of non-embedded LWM/D and up to 50 cubic yards of accumulated sediments.

### When and how often work is allowed:

There are no restrictions as to how often work can be conducted, so long as: A) the total amount of material removed **during a project** does not exceed 50 cubic yards per year and B) the 3-day pre-project notification requirement is met. Work must be conducted in the natural dry stream channel between June 1 and October 15. Work is allowed in the wetted perimeter if conducted during the freshwater fish window.

### Work restrictions:

The permit specifies restrictions and required practices that minimize pollutants entering the water and the disturbance of vegetation. Notable requirements include the following:

- Fish capture, exclusion and transport is required.
- If work (other than hand tools) in the wetted perimeter is proposed then a bypass is required.
- Material removal is limited to less than 50 cubic yards per project per year.
- Removal of embedded LWM/debris and disturbance of the streambank/streambed is **not** allowed.
- Disturbance of fish spawning areas require an individual HPA.
- Equipment can operate on dry gravel bars at low stream flow if the drive mechanisms remain above the OHWL (only when absolutely necessary).
- If culvert repairs create or perpetuate a fish passage blockage, written AHB approval is required.

### Determining Army Corps Jurisdiction

Army Corps jurisdiction is determined under the following three scenarios:

1. Removal of debris and sediment would not trigger Corps' jurisdiction if there is no discharge of dredged or fill material. A discharge would not occur provided that the work is conducted in a way that:
  - i.) Lifts accumulated sediments from the channelized stream or culvert and does not allow sediments or other materials to be discharged into the channelized stream, other than incidental fall back.
  - ii) Does not use equipment or methods that would drag or push sediments or other items,
  - iii) Is limited to restoring the culvert and channelized stream to an as-built condition, and

- iv) Does not remove the root systems of trees and shrubs below the OHWL outside of the as-built condition of the channelized stream or within the boundaries of a wetland.
2. Erosion repair/protection and culvert repair may be exempt under 33 CFR 323.4(a)(2) provided that the work is conducted such that:
- i) The work is limited to restoring the culvert and channelized stream to an as-built condition (no change to the scope and size of the original fill design – e.g. the culvert may not be lengthened), and
  - ii) There is no modification to the character of the original fill design (i.e. there may be no change in materials – e.g. scoured gravel bed materials cannot be replaced with riprap). See Section 4, culvert replacement for additional information on culvert work.
  - iii) Temporary structures necessary to allow exempt work to be conducted in isolation from flowing waters are also exempt.
  - iv) Backfilling jacking holes in wetlands or below the OHWL at the completion of a repair project would trigger Corps' jurisdiction and would not be exempt from the requirement for a permit.
  - v) Grouting that does not change the original footprint of the culvert would be exempt and would not require a permit.
3. Temporary bypasses required for non-exempt activities may also require a Corps permit. If an activity requires Corps notification, then any temporary structures necessary for the activity must also be reviewed by the Corps.

### Permit questions?

Gregor Myhr

(360) 705-7487

Permit Program Manager

WSDOT, Environmental Services Office

---

### Reporting requirements:

Complete and accurate reporting of all work covered by this permit is a legal requirement.

**Pre-project reporting/notification** – The WDFW Regional Habitat Program Manager (RHPM) and Ecology Regional WQ program must be notified at least three days before starting work (verbal, fax, email, etc...). For the RHPM contact list, see the programmatic permit website (*documents referenced in permits* quick link). Information that must be included in the notification is found in provision 2 of the permit.

**Reporting a project** Maintenance crews fill out the ESA compliance forms on the PDA or the computer. Contact your Regional Maintenance Environmental Coordinator (see list next page) for assistance. When reporting, maintenance staff can recommend improvements to BMPs and mitigation: This is the best way to rid our toolbox of BMPs that do not work and add BMPs that work better.

**Annual Reporting** WSDOT Environmental Services Office and Maintenance Environmental will coordinate to submit annual project reports to WDFW by January 31. In order to meet this deadline, project reports must be completed by January 10. An annual report will be submitted even if no work was done. ESO will convert the SR & MP to lat/long for the annual report.

## Emergency reporting

Distressed or dead fish and water quality problems must be reported to the RMEC and regional WDFW and Ecology offices below.

### Ecology Regional Contact Information:

<b>Southwest Region</b> P.O. Box 47775 Olympia, WA 98504-7775 Fax # 360-407-6305  Deborah Cornett - supervisor for water quality inspectors/construction <a href="mailto:dcorn461@ecy.wa.gov">dcorn461@ecy.wa.gov</a> 360-407-7269  Margaret Hill - water quality inspector <a href="mailto:mhill461@ecy.wa.gov">mhill461@ecy.wa.gov</a> 360-407-0246  Janet Boyd - water quality inspector <a href="mailto:jboy461@ecy.wa.gov">jboy461@ecy.wa.gov</a> 360-407-0245  Betsy Dickes - water quality inspector <a href="mailto:bedi461@ecy.wa.gov">bedi461@ecy.wa.gov</a> 360-407-6283  Rusty Post - water quality inspector (Vancouver field office) <a href="mailto:rpos461@ecy.wa.gov">rpos461@ecy.wa.gov</a> 360-690-4787	<b>Northwest Region</b> 3190 160th Ave SE Bellevue, WA 9808-5452 Fax # 425-649-7098  Don Seeberger - Unit Supervisor for the Water Quality Inspectors/Construction <a href="mailto:dsee461@ecy.wa.gov">dsee461@ecy.wa.gov</a> 425-649-4424  John Drabek - supervisor for the water quality inspectors/industrial unit  Note - John's group works pretty closely with Don's group - some overlap so John is listed more of a backup but should be included in all e-mail notifications. <a href="mailto:jdra461@ecy.wa.gov">jdra461@ecy.wa.gov</a> 425-649-7293
<b>Central Region</b> 15 West Yakima Ave Suite 200 Yakima, WA 98902-3452 Fax # 509-575-2809  Jeff Lewis - supervisor for water quality inspectors <a href="mailto:jlew461@ecy.wa.gov">jlew461@ecy.wa.gov</a> 509-454-7207  Ray Latham - water quality inspector <a href="mailto:rlat461@ecy.wa.gov">rlat461@ecy.wa.gov</a> 509-575-2807  Terry Whittmeier <a href="mailto:twit461@ecy.wa.gov">twit461@ecy.wa.gov</a> 509-574-3991	<b>Eastern Region</b> N 4601 Monroe Spokane, WA 99205-1295 Fax # 509-329-3570  Lenox Bramble (called Len) - supervisor for water quality permit writers <a href="mailto:lbra461@ecy.wa.gov">lbra461@ecy.wa.gov</a> 509-329-3504  Mike Hepp - water quality inspector <a href="mailto:mhep461@ecy.wa.gov">mhep461@ecy.wa.gov</a> 509-329-3536

### Department of Fish and Wildlife Contact Information:

Region 1 – Spokane: 509-456-4082	Region 4 – Mill Creek: 425-775-1311
Region 2 - Ephrata: 509-754-4624	Region 5 – Vancouver: 360-906-6700
Region 3 – Yakima: 509-575-2740	Region 6 – Montesano: 360-249-4628

### WSDOT, Regional Maintenance Environmental Coordinators:

NCR—Joe Williams: 509-667-3054	SCR—Mark Reynolds 509-577-1755
SWR—Candace Jochim: 360-905-2173	ER —Erv Koller: 509-324-6133
NWR—Mark Cornwall: 206-440-4523	OR —Ken Schlatter: 360-570-6707

